

PO	<input type="checkbox"/> Case 3:92-cr-00365-D	Assigned	39220	Document	189	Filed	08/26/92	Page	1 of 11	PageID	1539	Docket No.	00365	Def.	01
Misd.	<input type="checkbox"/>	Dispos/Sentence		JUVENILE	<input type="checkbox"/>	ALIAS	<input type="checkbox"/>	a/k/a	"T"			No. of	61	U.S. CASE NO.	20
Felony	<input checked="" type="checkbox"/>	District		Off		Judge/Magstr.		OFFENSE ON INDEX CARD	94-10690						

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

DISM

NG

INDICTMENT of 8-27-92 for charges see SUPERSED. INDICTMENT of 10-6-92 below:

21:846

Conspiracy to possess with intent to distribute Cocaine and Cocaine Base, a Schedule II controlled substance. Ct. 1 (7/87 - 6/91)

21:848

Continuing criminal enterprise. Ct. 2 (7/87-6/91)

18:371

Conspiracy to continuing criminal enterprise. Ct. 3 (7/87 - 6/91)

SUPERSEDING COUNTS

INTERVAL ONE

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

END INTERVAL TWO

KEY DATE

☐ arrest
☐ sum'ns
☐ custody
☐ appears-on complaint

EARLIEST OF

KEY DATE

10-8-92

APPLICABLE

KEY DATE

10-6-92

APPLICABLE

☒ 1st appears on pending charge /R40
☐ b) Receive file R20/21
☒ c) Supdgt. Indt. Inf
☐ d) Order New trial
☐ e) Remand f) JG/P Withdrawn

KEY DATE

7-27-93

APPLICABLE

☐ Dismissal
☒ Plea
☒ Guilty
☐ Nolo
☐ Trial (voir dire) began
☐ Jury ☐ N.J.

1st appears with or waives counsel

ARRAIGNMENT

1st Trial Ended

RE TRIAL

2nd Trial Began

DISPOSITION DATE

SENTENCE DATE

PTD

Nolle

Pros.

FINAL CHARGES DISMISSED

on S.T.

grounds

W.P.

WOP

on det

motion

on gov't

motion

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION		
Arrest Warrant Issued	Served			REMOVAL HEARING		
COMPLAINT		10-7-92	TRM/3924	DATE Scheduled		
Date of Arrest				DATE Held		
				WAIVED	NOT WAIVED	Tape Number
				INTERVENING INDICTMENT		

Show last names and suffix numbers of other defendants on same indictment/information:

See attached list.

 RULE ☐ 20 ☐ 21 ☐ 40 ☐ In ☐ Out

ATTORNEYS

U.S. Attorney or Asst

Mark D. McBride, AUSA.

 Defense: ☒ CJA. ☐ 2 ☐ Ret. ☐ 3 ☐ Waived ☐ 4 ☐ Self ☐ 5 ☐ Non / Other. ☐ 6 ☐ PD ☐ 7 ☐ CD

 J. Christopher Sanders
 5956 Sherway Lane, Suite 500
 Dallas, Tx 75225
 360-0500

 Anthony Allen
 #40428-053
 FCI McKean Unit 3A
 PO Box 8000
 Bradford, PA 16701

 Per USCA5 Ret.
 Ms. Marcia G. Shein
 for appeal.

 John D Nation #14819700
 2650 MaxUse Energy Tower
 717 N Harwood LB 126
 Dallas TX 75201
 214/953-1919
 214/880-0409 (Facsimile)

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

BAIL • RELEASE

PRE-INDICTMENT

Release Date

Bail

Denied

AMOUNT SET

\$

Date Set

☐ Bail Not Made

Date Bond Made

☐ Fugitive☐ Pers. Rec.☐ PSA

Conditions

☐ 10% Dep.☐ Surety Bnd☐ Collateral☐ 3rd Prty☐ Other

POST-INDICTMENT

Release Date

☒ Bail

Denied

AMOUNT SET

\$

Date Set

☐ Bail Not Made

Date Bond Made

☐ Fugitive☐ Pers. Rec.☐ PSA

Conditions

☐ 10% Dep.☐ Surety Bnd☐ Collateral☐ 3rd Prty☐ Other

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

DATE	Yr	Docket No	Del	VI EXCLUDABLE DELAY
DOCUMENT NO				Start Date End Date
V. PROCEEDINGS				Ltr Code
Aug 27			INDICTMENT.	gs
Oct 6			SUPERSEDING INDICTMENT. (Supersedes Indict. filed on 8-27-92)	gs
Oct 7			Issued WARRANT FOR ARREST.	gs
Oct 8			MOTION. (Govt.)	gs
			ORDER... that the Indictment filed on August 27, 1992 is DISMISSED. Dist/dkt 10/9/92.	SAF/gs
Oct 8			MOTION TO UNSEAL (Govt.)	gs
			ORDER... that the Indictment is UNSEALED as to this defendant only. Dist/dkt 10/9/92.	SAF/gs
Oct. 28			Received from Brooklyn New York papers Commitment to Another District Waiver of Removal Hearing Removal Order	
Oct. 29			Filed ORDER OF TEMPORARY COMMITMENT - detention hearing November 2, 1992, at noon	
Oct. 30			Filed ORDER APPOINTING COUNSEL	
			MOTION FOR DETENTION (govt)	nbs
Nov 2			MOTION FOR CONTINUANCE (deft)	nbs
Nov 6			DETENTION ORDER PURSUANT TO U.S.C. §3142(i)...It is ORDERED that Deft is committed to custody of USM....It is FURTHER ORDERED that USM produce Deft in District Court as directed. See Order for specifics. cys: judge, mag, ^{ausa} cnsl Sanders, cnsl Douglas Mulder, pt, pb, usm, esther dktd 11/10/92	WFS/nbs
Nov 5			RETURN ON WARRANT FOR ARREST ... date of arrest 10/29/92.	dh
Nov 20			M.E. - ARRAIGNMENT - Deft pled N.G. Trial set for 12-21-92 Deft remanded in custody.	gs
Nov 23			ORDER... this case is set for trial on Monday 12/21/92 at 9:00 am. All pretrial motions, notices, requests and demand shall be filed by 12/14/92 and responses to motions filed in accordance with local rule 5.1(e). At least 3 days before trial the parties shall comply with Local Rule 8.2(c) and submit to the court in writing any questions they desire be rpopunded by the Cour in its voir dire. Dist/dkt 11/24/92.	SAF/gs

SEE NEXT PAGE

LETTER CC
For nontrial
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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1992</u> **	(Document No.)				
Dec 2	MOTION - SEALED. gs				
	ORDER - SEALED. gs				
**					
Dec 1	ORDER... thst the motion to continue and for certification of the case as complex and for the reasons stated in the order the Court grants the motion. All pretrial motion deadlines are VACATED and Pretrial motions are no due on or before <u>2/1/93</u> Responses to those motions due by <u>3/2/93</u> On or before March 15, 1993 the Government shall file a status report with the Court. (pelase see order for more specifics.) Dist/dkt 12/2/92. SAF/g				
Dec 7	MOTION FOR A BILL OF PARTICULARS. (Dft) gs				
Dec 22	Mem in SUPPORT OF MTN FOR BILL OF PARTICULARS. gs MOTION FOR DISCOVERY AND BRIEF IN SUPPORT (Deft) cab				
<u>1993</u>					
Jan 4	MOTION FOR ORDER TO COMPEL DEFENDANTS TO PROVIDE HANDWRITING EXEMPLARS (govt) nbs				
Jan 25	ORDER... Defendant Condell Winston Allen filed on 1/19/93 a mtn for clarification of procedures for obtaining pleadings and a motion for extension of time for adopting pretrial motions filed by other defendants. The mtn for clarification is granted (see order for all specifics) and the motion for extension of time is DENIED without prejudice. Dist/dkt 1/26/93. SAF/g				
Feb 1	MOTION AND INCORPORATED BRIEF FOR PRODUCITON OF PSYCHIATRIC EVALUATIONS OR RECORDS RELATING TO ANY PSYCHOLOGICAL EVALUATIONS OR TREATMENT (OR THE DRUG DEPENDENCY) OF ANY GOVERNMENT WITNESS (Dft) gs MOTION TO ADOPT CO-DEFENDANT'S MOTIONS AND MOTION FOR CONTINUANCE OF DEADLINE TO FILE SIMILAR MOTIONS. (Dft) gs MOTION TO REVEAL AGREEMENTS MADE WITH OR EXTENDED TO GOVERNMENT WITNESSES (Dft) gs MEMORANDUM IN SUPPORT OF MOTION TO DISLCOSE PROMISES OF FAVORABLE TREATMENT OR THREATS OF PROSECUITON MADE TO GOVERNMENT WITNESSES. gs DEFENDANT'S MOTION FOR WITNESS STATEMENTS. gs BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR WITNESS STATEMENTS. gs				

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		(a)	(b)	(c)	(d)
<u>1993</u>	(Document No.)				
Feb 1	BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR WITNESS STATEMENTS. (Dft) gs				
	MOTION IN LIMINE - EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS. (Dft) gs				
	MEMORANDUM IN SUPPORT OF MOTION IN LIMINE - OF EVIDENCE OTHER CRIMES, WRONGS OR ACTS. gs				
	MOTION FOR ATTORNEY PARTICIPATION IN VOIR DIRE. (Dft) gs				
	MOTION TO STRIKE ALIAS FROM THE CAPTION AND THE BODY OF THE INDICTMENT. (Dft) gs				
	MEMORANDUM IN SUPPORT OF MOTIO TO STRIKE ALIAS FROM THE CAPTION AND THE BODY OF THE INDICTMENT. gs				
	MOTION FOR HEARING TO DETERMINE ADMISSIBILITY OF CO-CONSPIRATORS' STATEMENTS. (Dft) gs				
	BRIEF IN SUPPORT OF MOTION FOR HEARING TO DETERMINE ADMISSIBILITY OF CO-CONSPIRATORS' STATEMENTS. gs				
	REQUEST FOR PRE-TRIAL NOTICE OF EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS. (Dft) gs				
	MOTION TO SEVER TRIAL OF ANTHONY GEORGE ALLEN AND BRIEF. gs				
	MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE (Dft) gs				
	MOTION FOR THE PRODUCTION AND INSPECTION OF EVIDENCE AND/OR INFORMATION WHICH MAY LEAD TO EVIDENCE. gs				
	BRIEF IN SUPPORT OF MOTION FOR THE PRODUCTION AND INSPECTION OF EVIDENCE AND/OR INFORMATION WHICH MAY LEAD TO EVIDENCE. gs				
	MOTION OF ANTHONY GEORGE ALLEN TO AMEND MOTIONS, SUPPLEMENT MOTIONS OR FILE NEW MOTIONS UPON RECEIPT OF MATERIAL FROM THE GOVERNMENT. gs				
	MOTION IN LIMINE - PRIOR CONVICTIONS. gs				
	MEMORANDUM IN SUPPORT OF MOTION IN LIMINE - PRIO CONVICTIONS. gs				
	MOTION TO COMPEL GOVERNMENT TO SPECIFY EVIDENCE TO BE USED AT TRIAL. (Dft) gs				
	BRIEF IN SUPPORT OF MOTION TO COMPEL GOVERNMENT TO SPECIFY EVIDENCE TO BE USED AT TRIAL. gs				
	MOTION TO SUBMIT A JURY QUESTIONNAIRE. (Dft) gs				

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UNITED STATES DISTRICT COURT
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U. S. vs

ANTHONY GEORGE ALLEN

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1993</u>	(Document No.)				
Feb 1	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE. (Dft)				gs
Mar 2	GOVERNMENT'S CONSOLIDATED RESPONSE TO DEFENDANTS' VARIOUS PRETRIAL MOTIONS.				gs
Mar 15	STATUS REPORT.				cpm
Apr 21	SEALED MOTION.				cpm
Apr 21	SEALED ORDER.				SAF/cm
May 10	ORDER ... The court is considering setting this case for trial Tues 9/7/93 ... Counsel shall have until 5/28/93 to file in writing any statements concerning the unavailability of any party to commence trial on 9/7/93 or any Mon: through 10/25/93 ... Once a trial date is set the court will not reset it except to prevent manifest injustice. Dist 5/13/93 Dkt'd 15/13/93				SAF/cm
June 1	Dft's response to order concerning unavailability of counsel.				cm
Jun 29	Govt's amended motion for order to compel dfts to provide handwriting exemplars.				cm
Jun 30	ORDER ...Trial is set for Mon. 9/13/93 9:00 a.m... Pretrial conference will be on Fri. 8/27/93 2:00 p.m. Dist 7/2/93 Dkt'd 7/2/93				SAF/cm
Jul 16	ORDER GRANTING govt's motion to compel dfts to provide handwriting exemplars...This shall take place at a mutually agreeable time and in no event later than 20 days from the date of this order. Dist 7/19/93 Dkt'd 7/22/93				SAF/cm
Jul 21	SEALED MOTION.				cm
Jul 21	SEALED ORDER.				SAF/cm
Jul 27	MINUTE ORDER ...Rearraignment held on ct 1 of 3 ct superseding indictment...Deft enters a plea of guilty to ct. 1...Sentencing set 9/17-10/1/93 9:00...Deft custody/detention continued...Plea agreement accepted. PLEA AGREEMENT.				cm cm

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1993</u>	(Document No.)				
Jul 27	FACTUAL RESUME. cm				
	SCHEDULING ORDER for sentencing under Local Rule 10.9 (Guidelines Sentencing)...PSI due 9/3/93... Written objections or adoption due by noon 9/13/93 ...If adopted sentencing will be 9/17/93 9:00... If objected addendum to PSI due by noon 9/20/93... Objections to addendum due by 9/27/93 and sentencing will be 10/1/93 9:00. Dist 7/27/93 Dkt'd 9/29/93 SAF/cm				
Aug 24	ORDER...The sentencing dates previously set for the above deft is vacated and will be reset by a separate order. Dist 8/25/93 Dkt'd 8/31/93 SAF/cm				
Aug 26	ORDER...In connection with the 8/24/93 order vacating sentencing dates the PSI will not be required until a separate order is issued. Dist 8/27/93 Dkt'd 8/31/93 SAF/cm				
Sep 17	Govt's motion for writ of habeas corpus ad testificandum. (1) cm ORDER...Govt's motion for writ of habeas corpus ad testificandum is GRANTED...Clerk of Court is ORDERED to issue a writ directed to the US Marshal...See order for specifics. (1) 2ccAUSA 9/17/93 Dkt'd 9/23/93 cm Writ of habeas corpus ad testificandum. (issued 5) cm				
Sep 20	Notice of change of address for counsel for Donovan Turner to: Gregory P. Standerfer, Moseley & Standerfer, 500 Hampton Court, LB 14, 4311 Oak Lawn, Dallas, TX 75219-2340, 214/521-3400. (2) cm				
<u>1994</u>					
Mar 17	SCHEDULING ORDER FOR SENTENCING UNDER LOCAL RULE 10.9 (GUIDELINES SENTENCING)...PSI due Fri 3/25/94 ...Objs to PSI due Mon 4/4/94 noon...Addendum to PSI due noon Mon 4/11/94 ... Objs to addendum due Mon 4/18/94...Sentencing set for Fri 4/22/94 9:00 am. Dist 3/18/94 Dkt'd 3/22/94 SAF/cm				
Mar 29	Deft's motion for extension of time of deadlines established under Scheduling order for sentencing under Local Rule 10.9 (Guidelines Sentencing) and motion for continuance of sentencing hearing and brief. cm				

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ANTHONY GEORGE ALLEN

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1994</u>	(Document No.)				
Mar 30	<p>ORDER...Granting deft's motion for extension of time under Local Rule 10.9(i)...FIRST AMENDED SCHEDULING ORDER FOR SENTENCING UNDER LOCAL RULE 10.9 (GUIDELINES SENTENCING)...PSI due noon Fri 3/25/94... Objs to PSI due noon 5/2/94...Addendum to PSI due noon Mon 5/9/94...Objs to addendum due Mon 5/16/95... Sentencing set for Fri 5/20/94 9:00 am.</p> <p>Dist 3/30/94 Dkt'd 3/30/94 SAF/cm</p>				
May 6	<p>Deft Allen's motion for continuance of sentencing hearing and brief.</p> <p>cm</p>				
May 10	<p>ORDER...Deft's motion for continuance of sentencing hearing is GRANTED...ORDERED ADJUDGED AND DECREED that sentencing hearing is set for Friday 6/10/94 1:30 pm...ORDERED that in all other respects the dates established under the First AMended Scheduling Order entered 3/30/94 shall remain in effect.</p> <p>Dist 5/10/94 Dkt'd 5/10/94 SAF/cm</p>				
Jun 10	<p>MO...Motion hearing held. Oral motion by deft's counsel to continue sentencing for 30-45 days to allow him time to review Jencks Act material GRANTED ...Sentencing reset to 7/15/94 9:00 am.</p> <p>cm</p>				
JUL 15	<p>MO...Sentencing held. Objs to PSI heard. Pleas Agreement accepted. NSG offence . Dft committed to custody of BOP for duration of life. Supervised Release for 5 years. Restitution not order. Fine imposed in the amt of \$3,000. Counts 2 & 3 of superseding indictment dismissed on govt's motion. See J & C for specifics. \$50 special assessment on Count 1. of superseding indictment. Dft advised of right to appeal. Dft custody continued. Court recommends incarceration at a facility in NY if app.</p> <p>dla</p>				
JUL 18	<p>JUDGMENT IN A CRIMINAL CASE...dft pled guilty to Count 1 of Superseding Indictment filed 10/8/92. Counts 2 & 3 are dismissed on motion of US. Ordered that dft shall pay special assessment of \$50. for Count 1 due immediately. Dft committed to custody of US BOP for duration of life. Dft to be assigned to facility in New York, if appropriate. Dft remanded to custody of USM. Re: supervised release, dft has 3 special conditions.</p> <p>SAF/dla dkt'd 7/20/94</p>				

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CRIMINAL DOCKET

ANTHONY GEORGE ALLEN

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1994</u>					
Jul 22	NOTICE OF APPEAL from final judgment entered on July 18, 1994. TO to Cns1 No fee CJA Cpy to Judge AUSA, PT, PB USM. gs				
July 27	TRANSMITTED certified copies of notice and dkt entries with CJA form to USCA5. gs				
Aug 1	T.O July 15 1994 Sentencing Hearing and Transcript of all proceedings. gs				
	MOTION TO SUPPLEMENT THE RECORD ON APPEAL (Dft) gs				
Aug 8	ORDER GRANTING MOTION TO SUPPLEMENT THE RECORD ON APPEAL... and it is ordered that the record on appeal in this case is supplemented by the following material: Defendant's objections to pre-sentence report; any addendum filed by the US Probation office in response to the objections and any response or objections made by deft to the addendum. These documents to be included in the record on appeal of this case. Dist 8/8 - dkt 8/17/94 SAF/gS				
Sep 6	RETURN ON J&C defendant delivered on 8/25/94 to PCT McKean. Bradford PA. by S. McElhatten ISD. gs				
Oct 13	TRANSCRIPT OF SENTENCING BEFORE THE HON. SIDNEY A FITZWATER on July 15, 1994 as submitted by Pam Wilson CR. gs				
Oct 24	AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT approved in the amount of \$372.00 by Judge Fitzwater to Pamela Wilson Court Reporter. gs				
Nov 3	TRANSMITTED RECORD ON APPEAL CONSISTING OF 1 vol of ORIGINAL CASE PAPERS; 1 vol of Transcript and env with PSI and other documents per court order of 8/8/94. gs				
<u>1995</u>					
Feb 27	ORDER FROM USCA5... It is ordered that the motion of court-appointed counsel for appellant Mr. J Sanders for substitution of retained counsel Ms. MARCIA G. SHEIN is GRANTED. Cpy to Judge. gs				
MAR 28	TRANSCRIPT OF REARRAIGNMENT HELD on July 27, 1993 before the Hon. Sidney A Fitzwater as submitted by Pamela Wilson. gs				
Mar 30	TRANSMITTED 1ST Supplemental record on appeal to USCA5 consisting of 1 vol of transcript updated dkt entries. gs				
Apr 25	TRANSCRIPT OF MOTION FOR CONTINUANCE OF SENTENCING HEARING held on 6/10/94 submitted by Pam Wilson. gs				
May 1	TRANSMITTED TO USCA5 2nd supplemental record consisting of transcript of 6/10/94 hearing with updated dkt entries. gs				
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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1995	(Document No.)				
Aug 25	Filed JUDGMENT OF USCA5 issued as and for the Mandate: ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the District Court in this cause is affirmed. Issued as Mandate 8/22/95 Cpy to Judge gs				
	Filed OPINION OF USCA5. Cpy to Judge gs				
	Received record on appeal consisting of 1 vol of case papers; 3 vols of transcripts and 1 PSI Sealed and shredded. gs				
	Two certified copies of judgment to USM, 1 cc to PT and PB. gs				
1997					
Apr 23	Motion under 29USC Section 2255 (9) ple				
	2255 papers referred to Mag Judge Kaplan ple				
	CIVIL Case #3:97cv940-D ple				
May 2	Order and Instructions to parties in a motion under 28 USC Section 2255 (See order for specifics) (signed by Judge Kaplan) (2) copies to AUSA and PET (5/5/97 rrj				
JULY 1	GOVERNMENT'S RESPONSE TO PETITIONER ANTHONY GEORGE ALLEN'S MOTION UNDER 28 U.S.C. SECTION 2255 dg				
SEPT 22	FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE...RECOMMENDATION The motion to correct, vacate or set aside sentence s/b denied Objections due 10/7/97 JK/dg dist/dktd 9/23/97 movant's cy cmrrr; cy AUSA				
	INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO OBJECT dist/dktd 9/23/97 movant cmrrr, cy AUSA JK/dg				
	File to docket clerk w/order and judgment dg				
SEPT 26	Certified mail returned executed as to John Nation on 9/25/97 (Findings and recommendations) lmn				
OCT 6	Dft's objections to magistrates findings lmn				
OCT 9	Order adopting the magistrates findings as the findings and conclusions of the court SAF/lmn				
OCT 9	Judgment that the mt to correct, vacate or set aside sentence is denied SAF/lmn				

UNITED STATES DISTRICT COURT
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ANTHONY G. ALLEN

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DATE 97	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
DEC 8	Notice of appeal from order denying mt to vacate sentence dated October 9, 1997 Fee pd #99412 TOOC lmn				
DEC 8	Request by dft for certificate of appealability lmn				
DEC 9	NOA to USCA5 lmn				
DEC 22	USCA5 Number 97-11371 svc				
1998					
JAN 5	NOTICE FROM DFT THAT HE IS PROCEEDING PRO SE svc				
JAN 8	NOTICE OF DEFICIENCY AND ORDER JK:svc dkt/dist 1-8-98				
JAN 16	ORDER OF THE COURT REGARDING CERTIFICATE OF APPEALABILITY... COA is Denied and Party appealing is a pauper SAF:svc dkt/dist 1-16-98				
FEB 9	TRANSMITTED ROA to USCA5 consisting of 2 vols of case papers; 3 transcripts and PSI svc				
FEB 10	Second Notice from dft that he is proceeding pro se ldf				
APR 29	ORDER FROM USCA5(cc)...Notice of appeal/request for COA is denied. Appeal dismissed svc ROA returned from USCA5 consisting of 2 vols of case papers; 3 transcripts and PSI. (PSI Destroyed) svc				
1999					
Apr 19	MOTION FOR RESENTENCING by dft Anthony Allen (4) lag				
May 12	MEMORANDUM OPINION AND ORDER...Dft's motion for resentencing is denied (3) dkt's 05/13/99 dist'd 05/13/99 SAF/lag				
JUN 15	NOTICE OF APPEAL FROM ORDERED OF 5-12-99 NO FEE PD/TO MAILED SVC				
JUN 16	TRANSMITTED NOA TO USCA5. svc				
AUG 17	USCA5 ORDER...NOA remanded to DC for a determination whether the untimely filing was due to excusable neglect svc				
AUG 17	ORDER OF REFERENCE...the court refers to U.S. Magistrate Judge Jeff Kaplan for recommendation & entry of findings & conclusions, the question "whether the untimely filing of the NOA was due to excusable neglect"...; (1) dist/dktd 08/19/99 SAF/lag				

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		(a)	(b)	(c)	(d)
<u>1999</u>					
Aug 27	MAGISTRATE JUDGE'S INTERROGATORIES propounded as to dft Anthony G. Allen (5) lag				
Sept 15	Answers to Interrogatories by petitioner Anthony George Allen (8) lag				
Sept 16	FINDINGS & RECOMMENDATION OF THE U.S. MAGISTRATE JUDGE Copies to cnsl: 09/17/99; Dkt'd 09/20/99; Recommendation: Dft should be granted an extension of time to file his notice of appeal; This case should be remanded to the court of appeals for further proceedings; Page(s): 2 (Signed by Jeff Kaplan)JK/lag				
Sept 16	Instructions for service & Notice of Right to Object by Magistrate Judge Jeff Kaplan (2) lag				
Sept 22	Certified Mail Return Receipt as to Mark McBride, signed on 09/20/99 re: f&r's of mag judge & instructions for svc (1) lag				
Sept 24	Certified Mail Return Receipt as to Anthony G Allen signed on 09/20/99 re: f&r's of mag judge & instructions for svc (1) lag				
Sept 27	Copy file forwarded to district judge's chambers lag				
Sept 29	ORDER... The court concludes that the findings & recommen- dation are correct & are therefore adopted; Accordingly, the court finds that dft's untimely filing of this notice of appeal was due to excusable neglect & that he's entitled to an extension of time to appeal; Pursuant to the circuit court's 07/14/99 order, this case is returned to the circuit court (2); dist'd 09/30/99; Dkt'd 10/01/99 SAF/lag				
OCT 19	ROA transmitted to USCA5 consisting of 3 vols of case papers; 3 transcripts and PSI svc				
<u>2000</u>					
May 9	USCA5 OPINION... svc				
	USCA5 JUDGMENT... Judgment of the DC is affirmed. Issued as Mandate: 5-5-00 svc				
	ROA returned from USCA5 consisting of 3 vols of case papers; 3 transcripts and PSI. (PSI Destroyed) svc				